



W.P.(MD) No.22990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22990 of 2024

L.Muthukumar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Madurai District.

2. The Regional Deputy Tahsildar,
Office of the Tahsildar,
Madurai East Taluk,
Madurai District.

3. The Firka Surveyor,
Land Survey Department,
Y. Othakadai Village,
Madurai East Taluk,
Madurai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to rectify the mistakes in the entry of survey number and village, in the petitioner's Patta No.828 by surveying the petitioner's house property situated in Door No.3/99, Pandian Nagar, Y. Othakadai Village, Madurai



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East Taluk, Madurai District, by considering the petitioner's representation dated 03.09.2024.

For Petitioner : Mr.K.Chengizkhan

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus, to direct the respondents to rectify the mistakes in the entry of survey number and village in the petitioner's Patta No.828 by surveying the petitioner's house property situated in Door No.3/99, Pandian Nagar, Y. Othakadai Village, Madurai East Taluk, Madurai District, by considering the petitioner's representation dated 03.09.2024.

2. The case of the petitioner is that the petitioner's mother, namely, Muthu Irulayee, occupied the portion of the land in Pandian Nagar, Y. Othakadai Village, Madurai East Taluk, Madurai District, for over 40 years, where she has put up a hut. The property in question is a ryotwari housing site belonging to the Government. The other persons in the



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locality had also put up the constructions. The petitioner's mother had removed the hut in the year 2021 and had put up a concrete house measuring 378 square feet in the very same place where the hut is situated. Their house is being assessed as Door No.3/99 with the property tax assessment in property tax assessment No.3253. The tax is being remitted without default to date. In the year 2019, the petitioner had made an application for issuance of patta.

3. The respondents have undertaken a field inspection and had demarcated their portion of the land in Survey No.57/1 to an extent of 0.29.5 ares as per the report of the Village Administrative Officer, RajaKambeeram. They had also recorded that the petitioner in possession of the land for over 20 years. On the basis of this recommendation and report, the second respondent on 14.02.2020 had issued a patta in Patta No.828 in respect of Survey No.57/86 (Old survey No.57/1 (part)) to an extent of 0.00.35.0 ares. After obtaining the patta, the petitioner's mother had executed a registered gift settlement deed in his favour on 01.11.2023. After receiving the gift, he had approached the respondents



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for mutation of the revenue records. Thereafter, the respondents have informed that the survey number has been wrongly mentioned in his mother's patta and he was directed to approach the authorities for rectification. On coming to know about this error, his neighbour, namely Gundumalai, raised an objection regarding the ownership. Therefore, the petitioner had preferred an application in August, 2024 to survey and demarcate the property of the petitioner and rectify the mistake in the patta with respect to the said survey number. However, the same was not considered by the respondents and once again he has made a representation on 03.09.2024. Since there was no action from the side of the respondents, he had approached this Court.

4. Heard the learned Counsel on either side.

5. Since the rectification is sought for on the basis of the instruction of the respondents, a mandamus is issued to the official respondent to consider the representation of the petitioner dated 03.09.2024 and consequently, rectify the mistake in the said survey



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number, within a period of six (6) weeks from the date of receipt of a copy of this order after affording a personal hearing to the petitioner.

6. With the above directions, this Writ Petition stands allowed. No costs.

26.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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